

**BOARD OF REAL ESTATE APPRAISERS  
BOARD MEETING MINUTES – May 2, 2006**

**MEMBERS PRESENT**

Kenneth Charest  
Bruce Bell  
Walter “Terry” Bowditch  
William Dobrowolski  
Joseph Herlihy  
Daniel Shipley

**MEMBERS ABSENT**

James Murphy

**OTHERS PRESENT**

Carol Leighton, Administrator  
Andrew Black, Assistant Attorney General  
Kim Baker-Stetson, Licensing Clerk  
Susan Greenlaw, Board Clerk

**Location:** Central Conference Room

**Start:** 9:05 a.m.      **Adjourn:** 7:25 p.m.

**CALL TO ORDER**

The meeting was called to order at 9:05 a.m.

**AGENDA MODIFICATIONS**

**OLD BUSINESS**

**Action on Minutes of March 7, 2006 Meeting**

A motion was made by William Dobrowolski to approve the minutes of the April 4, 2006 meeting as written; seconded by Bruce Bell. Bowditch abstained.

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**Action on Tabled Applications/Items**

NAME	APPLYING TO	ACTION
#1	SIT FOR LICENSED RESIDENTIAL EXAM 1 <sup>ST</sup> LIC AS TRAINEE: 06/16/2004 90 QE ON FILE? YES MIN 2000 WK EXP ON FILE? NO – 1884 1 <sup>ST</sup> 50 FORM ON FILE? YES	05/02/2006 – MOTION BY HERLIHY TO REMOVE FROM TABLE; SECONDED BY BOWDITCH. UNANIMOUS. 04/04/2006 – TABLED 03/20/2006 – P/C WITH APPLICANT; DID NOT REALIZE SHE WAS SHORT ON EXP HOURS; REQUESTS APPL TO BE TABLED FOR ONE MONTH IN ORDER TO SUBMIT REMAINING HOURS 03/17/2006 – APPL REC'D
#2	UPGRADE FROM LICENSED RESIDENTIAL TO SIT FOR CERTIFIED RESIDENTIAL EXAM MIN 120 QE BAL MET? YES MIN 24 MONTHS EXP MET? FIRST LIC RAT: 06/19/2002 TO 10/23/2003 AP: 10/23/2003 TO PRESENT HAS MIN 2500 HOURS WK EXP WITH "SOME" MAJOR APPRAISAL EXPERIENCE DOCUMENTED IN THE FILE	05/02/2006 – NO ACTION 02/07/2006 – BD D&O SIGNED; AUG 7, 2006 = @ 180 DAYS TO RESUBMIT 01/03/2006 – APPEAL HEARING SCHEDULED FOR 10:00; APPEAL WITHDRAWN; GIVEN 180 DAYS TO SUBMIT ADDITIONAL APPRAISALS 11/04/2005 – REC'D APPEAL LETTER 11/06/2005 – END OF 30 DAY APPEAL PERIOD 10/07/2005 – DENIAL LETTER SENT 10/04/2005 – DENY §14023(2)(5) LACK OF COMPETENCY TO CONDUCT "MAJOR" APPRAISALS; 14031(1); CHAPTER 200 SECTION 4(B)(2) 10/04/2005 – REPORT ON REVIEW OF APPRAISALS – SHIPLEY
#3	UPGRADE FROM TRAINEE TO SIT FOR CERTIFIED RESIDENTIAL EXAM MIN 120 QE BAL MET? NO 75 QE HOURS ON FILE; NEEDS TO TAKE 45 MORE QE HOURS MIN 24 MONTHS EXP MET? YES 1 <sup>ST</sup> LIC 04/04/2002 MIN 2500 HOURS WK EXP W/SOME MAJOR/COMPLEX APPRAISALS? 2673 HOURS ON FILE	05/02/2006 – NO ACTION 04/04/2006 – TABLE TO MAY 03/08/2006 – P/C WITH APPLICANT; TAKING COURSES THIS SPRING; WILL SUBMIT REQUEST TO TABLE APPL TO END OF MAY 03/07/2006 – BD VOTED TO TABLE TO 04/04/2006 03/06/2006 – P/C TO SUPV; MISTAKENLY TOOK MULTIPLE "CE" COURSES; REQUEST TO TABLE FOR A MONTH WHILE SHE GETS CLASSES COMPLETED

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**NEW BUSINESS**

**Hearing – Roger Beesley (#REA-231) and Kathleen Loughrey (#REA-232)**

The hearing in the matter of Roger Beesley and Kathleen Loughrey was called to order. Beesley and Loughrey were present and represented by attorney Joseph Mazziotti. Assistant Attorney General Andrew Black represented the state in this matter. James Smith attended as Hearing Officer. Public deliberations were conducted at the close of the hearing.

A motion was made by Kenneth Charest to find both parties in violation of 32 M.R.S.A. §14014(1)(I); seconded by William Dobrowolski. Unanimous.

A motion was made by William Dobrowolski to find both parties in violation of 32 M.R.S.A. §14014(1)(J); seconded by Walter Bowditch. Unanimous.

A motion was made by Bruce Bell to find both parties in violation of USPAP Ethics Rule under Conduct, Standards Rules 1-1(b)(c), 1-2(h), 2-1(a)(c), 2-2(a)(iii); seconded by William Dobrowolski. Unanimous.

A motion was made by Walter Bowditch to find Beesley in violation of 32 M.R.S.A. §14014(1)(B); seconded by William Dobrowolski. Bell, Bowditch, Charest, and Dobrowolski voted in the affirmative; Shipley opposed. Motion carried.

A motion was made by Bruce Bell to find Loughrey in violation of 32 M.R.S.A. §14014(1)(B); seconded by Walter Bowditch. Bell voted in the affirmative; Bowditch, Charest, Dobrowolski, and Shipley opposed. Motion failed.

A motion was made by William Dobrowolski for revocation of Beesley's license; seconded by Walter Bowditch. Bell, Bowditch, Charest, and Dobrowolski voted in the affirmative; Shipley opposed. Motion carried.

A motion was made by Bruce Bell to require Beesley to pay costs in an amount not to exceed \$5000 by August 2, 2006; seconded by Shipley. Unanimous. The Board agreed to allow Beesley to make monthly payments in the amount of \$833 beginning June 1, 2006.

A motion was made by William Dobrowolski to order Loughrey as follows: (1) suspension for a period of 270 days effective May 2, 2006, such suspension will be vacated at such time when Loughrey completes a pre-approved (by Complaint Officer) 30 hour basic appraisal course and successfully passes the exam and completes a 15 hour USPAP course and successfully passes the exam, both courses are not in addition to required continuing education courses; (2) \$1500 fine to be paid within 270 days from May 2, 2006; (3) work supervised by a different supervisor approved by the Board's Complaint Officer; seconded by Walter Bowditch. Unanimous.

**Administrator's Report**

Trainee applicant – disclosed criminal information: Tabled at April meeting and requested further information directly from the prosecutor's office. A motion was made by William

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Dobrowolski to approve; seconded by Joseph Herlihy. Bell, Charest, Dobrowolski, Herlihy, and Shipley voted in the affirmative; none opposed; Bowditch abstained. Motion carried.

**Complaint Officer's Report**

**#REA-226:** Licensee in compliance - no action.

**#REA-256/257:** Consent Agreements signed – requested permission to pay penalty over a period of time. A motion was made by Kenneth Charest to grant the request; seconded by Bowditch. Bell, Bowditch, Charest, Dobrowolski, and Shipley voted in the affirmative; none opposed; Herlihy abstained. Motion carried.

**#2006-REA-2535:** A motion was made by Joseph Herlihy to dismiss upon finding no violation of Board statute or rules; seconded by Daniel Shipley. Unanimous.

**#2006-REA-2536:** A motion was made by Joseph Herlihy to offer a Consent Agreement that includes: (1) letter of warning; (2) \$200 fine; seconded by Walter Bowditch. Unanimous.

**#2006-REA-2537:** A motion was made by Joseph Herlihy to offer a Consent Agreement that includes: (1) letter of warning; (2) \$200 fine; (3) course completed in January does not count for current requirement; seconded by William Dobrowolski. Unanimous.

**#2006-REA-2538:** A motion was made by to offer a Consent Agreement that includes: (1) letter of censure; (2) \$500 fine; (3) 30 days to complete 14 hours; (4) require submission of continuing education for 2007 renewal; seconded by Daniel Shipley. Unanimous.

**#2006-REA-2539:** A motion was made by Daniel Shipley to offer a Consent Agreement that includes: (1) letter of warning; (2) \$200 fine; seconded by Walter Bowditch. Unanimous.

**Review and Action on Applications and Education**

NAME	APPLYING TO	ACTION
#1	UPGRADE FROM TRAINEE TO SIT FOR CERTIFIED RESIDENTIAL EXAM MIN 120 QE BAL MET? NO 90 QE HOURS ON FILE MIN 24 MONTHS EXP MET? YES 1 <sup>ST</sup> LIC 06/27/2003 MIN 2500 HOURS WK EXP W/SOME MAJOR/COMPLEX APPRAISALS? 3107 WK EXP HOURS ON FILE	05/02/2006 – NO ACTION 04/07/2006 – REQUESTED LIST OF COMPLEX APPRAISALS; 30 DAYS TO RESPOND TO REQUEST 04/04/2006 – BD VOTED TO APPROVE REQUEST 03/28/2006 – REQUEST REC'D 03/08/2006 – P/C WITH APPLICANT; WILL SUBMIT IND RQST FOR COLLEGE EDUCATION 03/07/2006 – BD VOTED TO TABLE TO 04/04/2006 03/06/2006 – NEEDS TO DOCUMENT 30 MORE QE; CALLED AND LEFT MESSAGE
#2	UPGRADE FROM LICENSED RESIDENTIAL TO SIT FOR CERTIFIED RESIDENTIAL EXAM MIN 120 QE BAL MET? YES 135 QE HOURS ON FILE	05/02/2006 – NO ACTION 04/27/2006 – REQUESTED LIST OF "MAJOR" APPRAISALS 04/11/2006 – REC'D ADDITIONAL

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	MIN 24 MONTHS EXP MET? FIRST LIC RAT: 02/01/2000 AP: 12/23/2002 MIN 2500 HOURS WK EXP W/SOME MAJOR/COMPLEX APPRAISALS? NO 2110	HOURS 04/04/2006 – CONT TABLE 03/07/2006 – BOARD VOTED TO TABLE TO 04/04/2006 03/06/2006 – NOT ENOUGH WORK HOURS ON FILE; CALLED TO REQUEST ADDITIONAL HOURS; WILL PROVIDE; REQUEST TO TABLE TO NEXT MONTH
#3	SIT FOR LICENSED RESIDENTIAL EXAM 1 <sup>ST</sup> LIC AS TRAINEE: 05/21/2004 90 QE ON FILE? YES MIN 2000 WK EXP ON FILE? NO 1 <sup>ST</sup> 50 FORM ON FILE? NO	05/02/2006 – MOTION BY SHIPLEY TO ACCEPT THAT THIS WAS LATE AND TO APPROVE SUPERVISOR; SECONDED BY BOWDITCH. UNANIMOUS. 04/27/2006 – P/C – HE WILL MAIL SIGNED WK EXP FRIDAY 04/28/2006 04/09/2006 – END OF 30 DAY PERIOD TO COMPLY 04/04/2006 – BD VOTED TO DENY AFTER 04/09/2006 03/20/2006 – LETTER SENT NOTING DEFICIENCIES; GIVEN 30 DAYS TO COMPLY 03/15/2006 – APPLICATION REC'D
<b>REQUEST FOR REINSTATEMENT</b>		
#1	LICENSE #: AP 2015 EXPIRATION: 12/31/2005 IS BEYOND THE 90 DAYS TO RENEW, BUT WITHIN THE TWO YEAR WINDOW FOR REINSTATEMENT HAS NOT BEEN PRACTICING COMPLETED CE MARCH 2006 HAS PAID RENEWAL AND LATE FEES	05/02/2006 – MOTION BY BOWDITCH TO APPROVE; SECONDED BY SHIPLEY. UNANIMOUS.

**Correspondence**

**Next Meeting Scheduled for June 6, 2006**

**OTHER BUSINESS**

**ADJOURN**

Being no further board business the meeting was adjourned at 7:25 p.m.

Respectfully submitted,

Susan Greenlaw, Board Clerk